

the province's leg to stand on in its suit to recover the \$6,000,000 on deposit in the bank. But the argument of Mr. Bennett and the others in court was most readily met by Mr. Davis in a masterly argument which put the burden of proof on the Crown in bearing of the facts of the case, and made evident the good authority upon which the prosecution acted in asking the government of the P. W. railway and appropriating the proceeds of the bond sale to the general revenue fund.

Importance of the Case.
No judge on the bench in Canada has in recent years been called upon to decide a case of such magnitude as to decide in respect to the immunity of the sum involved, and the full responsibility of the government to be pronounced upon affecting the jurisdiction of the provincial legislature.

An example of federal legislative power over provincial legislation is the railway case of the recent decision of the railway commission preventing the Canadian Northern Western railway operating under a franchise from buying the yards of the Alberta Central railway, operating under a federal charter.

Mr. Campbell argued that the Royal Canadian bank had a lien on the money deposited with it by the railway company because of the advances of \$145,000 and \$100,000 made to the construction company.

The court held the bank to pay interest at a rate of 3.2 1/2 instead of 5 per cent, the usual rate. Mr. Bennett argued, was due to the practice of the railway company to pay a rate of interest of 5 per cent. on advances made to it by the bank from time to time, and to the payment of interest on both money and accrued interest. But it could not be denied that the Dominion Parliament had the date of the demand for the railway company had failed to make good the promise of which the bank had given, of paying an advanced rate of interest.

Sold Gold Money to Bank.
Mr. Campbell argued that a bank was not responsible to its duties which would hand over the money to a government on the demand of a bank, and that it was not under such conditions. The bank, moreover, would lay itself open to liability if it paid the money to the bank elsewhere without the province. When then, could it not be held that the bank was not responsible for the money and that it should not be required to pay interest on the money since Dec. 16th, when the demand was made.

Again, those who advanced their money on the bonds of the railway, as it was, had a right to the legal railroad which was to be built with the money borrowed. And now with the money borrowed, and now proposed to take away that security from the bondholders. The providers had no right to deprive the money to feed part of the general expenses of the province. It was bound to the bank as a trust fund so that when the expenses of the province made a physical security called a railway.

Argument of Province's Case.
The words "imperial" and "canadian" and "provincial" in Mr. Davis' argument had been relied on the tongues of the counsel for the defense. The words were not used. Even were the act of the legislature of the malum character ascribed to it, he had submitted that it was still a valid act.

Under the British North America Act, the federal government of Canada has the same power in its own jurisdiction as those of the Imperial parliament. The remarks "Tasmanian" and "imperial" were the governing body—and its legislation was law and the same standard of comparison. The act was not a bill for one for the legislature to pass, but an act which in the exercise of its duty the government (federal) can make. Whether right or wrong in its intent, that conclusion, an individual or court can say. The act could only be decided at the trial. The act could not prevent what might have been considered "fair" or "grat."

"The act did not affect the one of term of burgury," said Mr. Davis. "All gain our friends have admitted that the purpose of the act was to make burgury. No one can say that the act without understanding perfectly well that the purpose of the act was to get back the proceeds of the robbery and free the men of the People."

"The Royal Canadian bank they should not pay us this money. Then whose is it? The only money that should belong to the people is the one that goes to the court."

The road cannot be built because there is a declaration of the legislature that it has not been made in construction and the road is not now possible to be built except there were no money in the legislature extending the time of the work.

"We find the Royal bank are trying to make the best of the situation. They have no claim, allowing their claim for advances made to the Construction company, and the Royal bank should be paid. The company, or the railway, or to the Construction company, and must remain there until we have a trial of the Banking act, if our learned friends can get it done. It is paid out to the parliament of Canada and not to the government of Alberta."

That the sale of the bonds took place in New York was of no importance. The amount of the purchase price was the best evidence of the value of the bonds. It had been turned over and the money given in payment. How then could it be said that the bonds had been sold?

It had been claimed that the bonds were never really sold. Surety the date of the purchase price was the best evidence of the value of the bonds. It had been turned over and the money given in payment. How then could it be said that the bonds had been sold?

There had been some little evidence, value and indefinite, that some work had been done somewhere by the Railway company. A bank manager had been called to give evidence as to yet unsettled. His successor,

that he had paid out money which he believed to be used in payment for construction work done. Some time, they saw some railway work going on, which they thought was the work of the Royal Canadian bank.

It was necessary under the provisions of the Railway Act that the work be started within one year. It had been estimated that the work had not been approved at all, so it made no difference whether the work had been started or not, the contract had been violated.

Practically all the largely travelled streets are suggested for improvement—Winnipeg to bring subdivision inside city limits—Other Business.

The probabilities are that next spring strathcona will enter on one of the biggest street paving programs ever undertaken in West.

Strathcona Link application for removal of the park from the city's boundaries was referred to the board of aldermen. The park, engineer and public works committee were appointed a special committee to study the question.

Pettiness Presented.

A letter was received from W. Weeks asking for a crossing. Laid over for

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Bylaws Considered.

Bylaws considered. The act of taxation for the year 1911, and to provide for the year 1912 which was almost staggering in its dimensions. It calls for a general paving program to practically all the streets in the city where any heavy traffic is done.

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The act could not affect the money which must by order of the council be paid to the park, and the money over to the successful plan.

The park committee, however, who happened to have their men in the park, were asked to have their men

to widen the street from the boundary line of the property to University

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The only drawback from the committee's view was the cost of the removal of the park from the city's boundaries. The park, engineer and public works committee were not able to agree on a great extent.

They will be threshed out in committee.

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HE THREATENED TO REFUSE ABSOLUTION TO THE LIBERALS

Strong, Tasteful, Used by Every Canadian Catholic Cleric—Honouring Laurier—Blamed Him for Trespass Schools—How Hodophile Forged Won Out Division.

Quebec, Oct. 10.—Mr. Lucien Cannon, lawyer Liberal candidate, defeated by Mr. Hodophile Forset, in the Charlevoix constituency, declared that he was not defeated by the intervention of the Roman Catholic clergy against him.

He gave on this intervention the following interesting particulars:

On the 11th of September last, Rev. Mr. Léonard, Curé of the parish of St. Paul, Centre, in the course of his sermon, in his pulpit, during the high mass, against Sir Wilfrid Laurier, and in favour of Mr. Cannon, on the Manitoba school question. He declared his parishioners to withdraw their confidence from men who had betrayed them.

After the high mass, Mr. A. Cartier, of the Express, a Radical newspaper, held a meeting near the church in favor of Mr. Cannon's candidature.

Opposition, however, was present at this meeting, and leaped to the conclusion that these gentlemen had been instrumental in the vicar's denunciation of Laurier.

On the 13th September, two days after the meeting, he addressed the electors. On the school question he said: "Sir Wilfrid Laurier has not been present at this meeting, but he was ready to submit himself, to his regular critics."

More Catholics than Pope.

After this interview Mr. Cannon addressed the electors. On the school question he said: "Sir Wilfrid Laurier has not been present at this meeting, but he was ready to give, but he gave all that was possible in the circumstances, and the electors are the only ones of repectivity. It does not belong to a simple curate to renounce these beings."

We are told that the Pope, or one like the Pope, will do what the Pope and the bishops command, no, we are told that the Pope does more, than anything else, until they have spoken."

On the 17th of September, Curé Léonard, again in his pulpit in his church, gave to his parishioners the following advice:

"The electors go to the schools to inform learned citizens, who shall not let themselves be fooled by the first come, one is so laisser-aller, and another is so laisser-aller, who shall be able to distinguish good newspapers and bad ones, such as those that are now sent to us in so great quantities."

It has been announced by the Bishop that the Liberals will get the justice for Mr. Cannon, Mr. Hodophile and St. Paulie. As at St. Simon, it is possible, but as at St. Paulie, he has had no support.

"My Bishop, Mgr. Labreche, has never forbidden his priests to mix up in politics. Even if he wanted to, he could not do it."

"The people who rely on this authority to shut our mouths are mistaken. They call themselves Catholic Liberals. There are many of these Catholic Liberals, but there are also many to many Catholic Liberal men. These women are worse than the Liberal speakers in the public meetings. Darned women! Get away from these parties, and do not let any of you come near. Do not let me confess to you my sins any more. I will forgive you the admissions."

The question of the Manitoba school question has been condemned by the priests because some of them were in favour of the school question.

Regarding Mr. Cannon's words as to the priest's intervention into politics, Mr. Laurier said: "This is Catholic Liberalism. This is the way to do it. This means that the priest must stand by his priests. It is true that we, the clerical party, do not want to do it. I do not want to be a dumb dog, and I shall bark."

Curate Laurier thus read a part of the official called "Abrahim" and he concluded:

"I see that the priests interfere in the school question, the schools without right. If the people condemn the neutral schools, he must also condemn the schools of the church which I think the people want to know what it is. . . . I shall not give my name, but I shall publicise this to my friends, and tell them."

"The Pope condemns the neutral schools, he condemns the members of parliament who support them, these schools. And do you believe that the

ITALIANS WON FIRST BATTLE IN EASY FASHION

Turks' Night Attack on Tripoli Failed Utterly—Warships with Searchlights and Small Guns Alift Turks Very Mortally.

London, Oct. 11.—The Daily Telegraph published a dispatch from its correspondent, Mr. J. D. H. Hodges, at Tripoli, in which he says that the Italians won their first land battle in fine shape. The friendly "Arabs" had been instrumental in the successful attack by the Turks.

Arabs said that the Turks would not dare attempt an attack at night.

Ample precautions were taken to reinforce the outposts in the new works.

"The Turkish warships were about four miles off shore."

The Turks were discovered about one o'clock in the morning advancing in two columns supported by field guns.

Fortunately, the Italian shore was judiciously assisted by the searchlights of the British and French warships as the Turks approached Tripoli in good order.

There were several thousand Turks.

Within a hundred yards the marines from the British and French ships, supported by machine guns and field artillery, The intended assault was repelled, and the Ottomans stood to the attack.

Curate Laurier exclaims: "Continue and continue, with a heavy fire, to press home the action on the west bank."

"I have heard that I do not like to you to do this, but you must do all the passes by speakers who will listen to whom you applied and said to me, 'You are a Liberal, and told him: 'You are a Liberal, rest

After this reading Curate Laurier said:

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LONDON, 9:00 A.M.
EDMONTON, 10:30 A.M.
W. S. SMITHSON

Locators
LTD.
BUSINESS SEURS
AND
REAL ESTATE

MAIN PHONE 4632, OLD POST OFFICE BLDG.

GRANDE RUE 4326, 218, JASPER AVE. EAST.

EDMONTON, 10:45 A.M., FIRST STREET.

2400 DOWNTOWN—For two lots in Block two. Terms to suit buyer.

6225 LAUDERDALE—For one lot in block four, only \$350 cash and terms. \$125 per month. Look at these terms.

\$1000 GROAT ESTATE—For lots 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 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The Ring The Diamond The Turf

SUMMARY OF SPORT NEWS

BASEBALL—Minor league disbands. The new rules from the National Commission will be acceptable to clubs in Minnesota and Wisconsin. The new series of baseball cards—Loyal Fans arrive in time to complete the 1911 world's series—Deacon White, John Mackin, E. H. Garrison, George French and Pete Standridge return for the Bulletin—Pete Standridge returns—seats for world's series sold out.

FOOTBALL—Y. M. C. A. and Eskimos have a combined practice with full strength. The Eskimos will play on Saturday. The Y. M. C. A. heavyweight to its team—Orion of Eskimos.

BASKETBALL—Wanderers win from Kolts in Y. M. C. A. league, but youngsters put up a great scrap—Saskatoon and Newmarket in a close appearance and second game is called off—A few bantams.

ATHLETICS—Many entries for the national championships, and contestants promise to do their best—Alex Deacon will start training next week for his new Canadian record.

HOCKEY—National commission, at meeting last night, reduces number of men on a hockey team to six, eliminating the rover position.

BASEBALL

Minney League Dies

Entries from Winnipeg and Other Canadian Cities Will Be Accepted.

Duluth, Minn., Oct. 11.—The Minnesota League, which had been organized to die a natural death is the opinion of local baseball men. A meeting at the Hotel Duluth last night in Superior but Somers of that city received no word regarding it. He received no word regarding it from President Force and that now, added, he was the only one who appeared. He added that he was taking no action, but that it would not be a surprise if there was another meeting.

The members apparently are the more willing to let the Minnesota-Wisconsin baseball association take care of the cause of the offers from Winnipeg to recognize that the organization would prove more profitable financially and would be more popular with the public. It was seen in present league is the general local and local money in the various action of the Minnesota-Wisconsin outfit is of their hands. If no more money is forthcoming, it is felt that it is probable an overrun from Winnipeg and other Canadian cities will be easily accepted by Duluth and Superior.

Rules for W. S.

Regulations for World's Series, and Schedule of Games—Other Details.

The World's Series

First game—New York, Saturday, Oct. 14th.

Second game—Philadelphia, Monday, Oct. 16th.

Third game—New York, Tuesday, Oct. 17th.

Fourth game—Philadelphia, Wednesday, Oct. 18th.

Fifth game—New York, Thursday, Oct. 19th.

Sixth game—Philadelphia, Friday, Oct. 20th.

Umpires for National League—Mike Ekin and Brown. For American League, Morris, Connolly and Dickey.

Prizes of Satisfaction:

At Philadelphia—Hot seats and seats in lower grandstand, 12; seats in upper grandstand, 10; seats in the lower boxes, 8; boxes, 5; general admission, 2.

At New York: Boxes (four persons), \$25; lower grandstand, (reserved), \$20; general admission, \$15.

The commission also issued a cut-off price for admission than those fixed above.

The general playing rules will apply to the world's series, and the rules of the authority of the umpires will be



A GOOD INVESTMENT

FIRST QUALITY DIAMONDS have been advancing in value at the rate of about 10 per cent a month for the past several months. This means that the man who has invested in diamonds has made a good deal and still enjoys owning a beautiful DIA-MOND.

ASHBROS.
DIAMOND HALL
111 Jasper Ave. West

Sports and Sportsmen

Aquatics Field Sports Motordom

POOL EXPERT HERD

Frank Burnt, the diminutive pool expert who claims the championship of the world for one armed pool playing is in Edmonton for some pool playing for purposes of giving an exhibition of his trick work. In pool contests he has made a name of himself in contests with the best players in the world, and difficult tricks. When he gets through some remarkable gymnastics. He will give exhibitions in Dawson's pool hall on Saturday and Friday.

SWIMMING AND DIVING

At last rugby has come into its own in Alberta, and for several years

which played games in a more or less amateur manner. The class of rugby was not good, but the public did not care whether or not they got into the water to practice.

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